

# EXHIBIT 78

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

MARVEL CHARACTERS, INC.,

Plaintiff,

v.

PATRICK S. DITKO, in his capacity as  
Administrator of the Estate of Stephen J.  
Ditko,

Defendant.

Civil Action No. 1:21-cv-07957

**COMPLAINT FOR  
DECLARATORY RELIEF**

Plaintiff Marvel Characters, Inc. (“MCI”), for its complaint against defendant Patrick S. Ditko (“Patrick Ditko”), alleges as follows:

**NATURE OF THE ACTION**

1. Over its long history, MCI and its predecessors in interest (individually and collectively, “Marvel”) have engaged numerous writers and artists to contribute to Marvel’s comics. Stephen J. Ditko (“Steve Ditko”), who started working for Marvel in or around 1957, is one such artist. Marvel assigned Steve Ditko stories to illustrate, had the right to exercise creative control over his contributions, and paid him a per-page rate for his contributions. As a result, any contributions Steve Ditko made were at Marvel’s instance and expense, rendering his contributions work made for hire, to which the Copyright Act’s termination provisions do not apply. Nevertheless, defendant Patrick Ditko, in his capacity as the administrator of Steve Ditko’s estate, has served termination notices purportedly issued under that Act, in an invalid attempt to acquire certain rights to iconic Marvel comic book characters and stories published between 1962 and 1966.

2. In virtually identical circumstances, this Court, as affirmed by the Second Circuit,

granted Marvel summary judgment, finding that all of illustrator Jack Kirby's contributions between 1958 and 1963 were done at Marvel's instance and expense and thus were works made for hire. Because termination rights do not exist for works made for hire, the Kirby heirs' termination notices—which covered many of the very same comics that Patrick Ditko's termination notices do—were held to be invalid and of no legal force or effect. *See Marvel Worldwide, Inc. v. Kirby*, 777 F. Supp. 2d 720 (S.D.N.Y. 2011), *aff'd in relevant part*, 726 F.3d 119 (2d Cir. 2013).

3. Similarly, the District Court for the District of Delaware held in *In re Marvel Entertainment Grp.*, 254 B.R. 817 (D. Del. 2000), that contributions by an individual similarly situated during the same period at issue here were works made for hire. There, a writer claimed that he owned certain characters during Marvel's bankruptcy proceedings. The district court rejected that claim, holding that all of the writer's work was done at Marvel's instance and expense and was thus work made for hire.

4. *Kirby* and *In re Marvel Entertainment* dictate the same result here. As with the artists in those cases, Marvel had the right to exercise creative control over Steve Ditko's contributions and paid him a per-page rate for his work. As with the artists in those cases, when Steve Ditko worked for Marvel, he did so with the expectation that Marvel would pay him. And as with the artists in those cases, Steve Ditko never held the copyright in the famous Marvel characters and comics on which he worked; rather, Marvel does, as evidenced by the relevant copyright registration notices themselves. Marvel thus brings this declaratory relief action, pursuant to 28 U.S.C. § 2201, in response to Patrick Ditko's improper attempt to acquire Marvel's intellectual property.

## **PARTIES**

5. MCI is a Delaware corporation with its principal place of business in Burbank, California. MCI owns the intellectual property contained in the comic books and characters at issue.

6. Upon information and belief, Patrick Ditko is the brother of Steve Ditko and the administrator of Steve Ditko's estate.

## **JURISDICTION AND VENUE**

7. This is an action for declaratory relief brought under 28 U.S.C. §§ 2201, *et seq.*, and under the Copyright Act of 1976, 17 U.S.C. §§ 101, *et seq.* This Court has federal question subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has personal jurisdiction over Patrick Ditko because he claims to have any termination rights possessed by Steve Ditko in his capacity as the administrator of Steve Ditko's estate. Upon information and belief, that estate is domiciled in New York.

9. Upon information and belief, venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1) because Steve Ditko's estate is domiciled in this District in New York, New York. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(b)(2) for the additional reason that a substantial part of the events giving rise to this action occurred in this District. Specifically, most if not all of the contributions by Steve Ditko were made in this District, and all of the comic books at issue were published in this District.

## **ALLEGATIONS**

10. At all relevant times, Steve Ditko was engaged as a comic book artist and writer by Marvel in New York, New York to contribute to various comic books (the "Works").

11. Any contributions Steve Ditko made were at Marvel's instance and expense.

12. Marvel editorial staff had the right to exercise creative control over Steve Ditko's contributions, and Marvel paid Steve Ditko a per-page rate for his contributions. When Steve Ditko worked for Marvel, he did so with the expectation that Marvel would pay him.

13. Steve Ditko did not obtain any ownership interest in or to any contributions he made.

14. Marvel registered copyrights in and to the Works, which are copyrightable subject matter under the copyright laws of the United States. The Register of Copyrights recorded the registrations, as set forth in Exhibit 1 to this complaint. Marvel has complied in all relevant respects with all laws governing copyright.

15. Between approximately May 28 and July 16, 2021, Patrick Ditko served four notices of termination on Marvel. Patrick Ditko claims to have a sufficient interest in the Works, as administrator of Steve Ditko's estate, to exercise purported rights of termination under the termination provisions of the Copyright Act, 17 U.S.C. § 304(c), and the regulations thereunder.

16. The notices specifically seek to "terminate all pre-January 1, 1978 exclusive or non-exclusive grants of the transfer or license of the renewal copyright(s) in and to" certain "illustrated comic book stor[ies]" that were allegedly "authored or co-authored" by Steve Ditko and published by Marvel between 1962 and 1966. The notices specify various effective termination dates, ranging from May 29 to July 17, 2023.

17. The comic book titles identified in the notices include *Amazing Spider-Man*, *Amazing Fantasy*, *Journey Into Mystery*, and *Strange Tales*. The notices purportedly terminate alleged grants of copyright interests in all characters, story elements, and "indicia" in the comic books, as well as "all material" allegedly "authored or co-authored by Stephen J. Ditko (in any and all medium(s), whenever created) that was reasonably associated with" these works and

“registered with the United States Copyright Office and/or published within the termination time window, as defined by 17 U.S.C. § 304(c), and the” purported “effective date of this Notice of Termination.”

18. True and correct copies of these notices are attached hereto as Exhibits 2 through 6.

**COUNT I: ACTION FOR DECLARATORY RELIEF**  
[As to the Validity of All Notices]

19. Marvel repeats and realleges each allegation contained in paragraphs 1 through 18 of this complaint as if fully set forth herein.

20. Patrick Ditko has served Marvel with the termination notices described above. On information and belief, Patrick Ditko submitted the notices for recordation with the U.S. Copyright Office.

21. The notices are invalid as a matter of law because the Works were created as works made for hire, and there are no termination rights for works made for hire. *See* 17 U.S.C. § 304(c).

22. The Works were made for hire because they were created at Marvel’s instance and expense.

23. Any contributions Steve Ditko made to the Works were done at the instance of Marvel’s editorial staff, who had the right to exercise creative control over Steve Ditko’s contributions.

24. Any contributions Steve Ditko made to the Works were done at Marvel’s expense because Marvel paid Steve Ditko a per-page rate for his contributions, Steve Ditko made those contributions to the Works with the expectation that Marvel would pay him, and Steve Ditko did not obtain any ownership interest in or to his contributions.

25. Marvel has a real and reasonable apprehension of litigation over any claim by Patrick Ditko that Marvel's exploitation of the Works after the alleged termination dates infringes Patrick Ditko's purported rights, as the administrator of Steve Ditko's estate.

26. There now exists between the parties an actual and justiciable controversy concerning the validity of the termination notices and the respective rights of Marvel and Patrick Ditko, as the administrator of Steve Ditko's estate.

27. A declaration is necessary and appropriate at this time in light of the purported effective termination dates and the ongoing exploitation of the Works and the development of new works derivative of the Works.

28. Marvel has no adequate remedy at law.

29. Accordingly, Marvel seeks, pursuant to 28 U.S.C. § 2201, a judgment from this Court that the notices are invalid and therefore that Marvel will not lose its copyright interests in the Works on the alleged termination dates.

#### **PRAYER FOR RELIEF**

WHEREFORE, Marvel prays for a judgment against Patrick Ditko as follows:

- A. For a declaration that the termination notices are invalid;
- B. For Marvel's attorneys' fees and costs incurred; and
- C. For such other and further relief as the Court deems just and equitable.

Dated: September 24, 2021

Respectfully Submitted,

**O'MELVENY & MYERS LLP**

By: /s/ Molly M. Lens  
Molly M. Lens

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\* Pro hac vice admission pending

*Attorneys for Plaintiff Marvel Characters,  
Inc.*

# EXHIBIT 1

Publication Title	Issue No.	Vol. No.	First Publication Date	© Owner	© Reg No.
Amazing Fantasy	#15	1	6/5/1962	MCI	B976775
Amazing Spider-Man	#1	1	12/10/1962	MCI	B12112
Amazing Spider-Man	#2	1	2/12/1963	MCI	B22020
Amazing Spider-Man	#3	1	4/9/1963	MCI	B32700
Amazing Spider-Man	#4	1	6/11/1963	MCI	B45564
Amazing Spider-Man	#5	1	7/9/1963	MCI	B50165
Amazing Spider-Man	#6	1	8/8/1963	MCI	B57887
Amazing Spider-Man	#7	1	9/10/1963	MCI	B63121
Amazing Spider-Man	#8	1	10/8/1963	MCI	B72284
Amazing Spider-Man	#9	1	11/12/1963	MCI	B72337
Amazing Spider-Man	#10	1	12/9/1963	MCI	B79629
Amazing Spider-Man	#11	1	1/10/1964	MCI	B86108
Amazing Spider-Man	#12	1	2/11/1964	MCI	B93262
Amazing Spider-Man	#13	1	3/10/1964	MCI	B96821
Amazing Spider-Man	#14	1	4/9/1964	MCI	B102930
Amazing Spider-Man	#15	1	5/12/1964	MCI	B112138
Amazing Spider-Man	#16	1	6/9/1964	MCI	B127533
Amazing Spider-Man	#17	1	7/9/1964	MCI	B121808
Amazing Spider-Man	#18	1	8/11/1964	MCI	B129017
Amazing Spider-Man	#19	1	9/8/1964	MCI	B136435
Amazing Spider-Man	#20	1	10/8/1964	MCI	B140632
Amazing Spider-Man	#21	1	11/10/1964	MCI	B147192
Amazing Spider-Man	#22	1	12/10/1964	MCI	B157768
Amazing Spider-Man	#23	1	1/12/1965	MCI	B162019
Amazing Spider-Man	#24	1	2/11/1965	MCI	B167575
Amazing Spider-Man	#25	1	3/11/1965	MCI	B173323

Publication Title	Issue No.	Vol. No.	First Publication Date	© Owner	© Reg No.
Amazing Spider-Man	#26	1	4/8/1965	MCI	B179808
Amazing Spider-Man	#27	1	5/11/1965	MCI	B190434
Amazing Spider-Man	#28	1	6/8/1965	MCI	B196230
Amazing Spider-Man	#29	1	7/8/1965	MCI	B200698
Amazing Spider-Man	#30	1	8/10/1965	MCI	B208267
Amazing Spider-Man	#31	1	9/9/1965	MCI	B215968
Amazing Spider-Man	#32	1	10/12/1965	MCI	B229417
Amazing Spider-Man	#33	1	11/11/1965	MCI	B229427
Amazing Spider-Man	#34	1	12/9/1965	MCI	B238351
Amazing Spider-Man	#35	1	1/11/1966	MCI	B241516
Amazing Spider-Man	#36	1	2/10/1966	MCI	B248224
Amazing Spider-Man	#37	1	3/10/1966	MCI	B251737
Amazing Spider-Man	#38	1	4/12/1966	MCI	B257745
The Fantastic Four Annual	#1	1	7/2/1963	MCI	A645698
Strange Tales Annual	#2	1	6/11/1963	MCI	A640416
Amazing Spider-Man Annual	#1	1	6/11/1964	MCI	A713458
Amazing Spider-Man Annual	#2	1	6/1/1965	MCI	A772745
Strange Tales	#102	1	8/9/1962	MCI	B988507
Strange Tales	#103	1	9/11/1962	MCI	B992202
Strange Tales	#104	1	10/9/1962	MCI	B999792
Strange Tales	#105	1	11/8/1962	MCI	B6037
Strange Tales	#106	1	12/10/1962	MCI	B12120
Strange Tales	#107	1	1/10/1963	MCI	B17484
Strange Tales	#108	1	2/12/1963	MCI	B22022
Strange Tales	#109	1	3/12/1963	MCI	B28143

Publication Title	Issue No.	Vol. No.	First Publication Date	© Owner	© Reg No.
Strange Tales	#110	1	4/9/1963	MCI	B34036
Strange Tales	#111	1	5/9/1963	MCI	B38264
Strange Tales	#112	1	6/11/1963	MCI	B45565
Strange Tales	#113	1	7/9/1963	MCI	B51854
Strange Tales	#114	1	8/8/1963	MCI	B57888
Strange Tales	#115	1	9/10/1963	MCI	B66036
Strange Tales	#116	1	10/8/1963	MCI	B66782
Strange Tales	#117	1	11/12/1963	MCI	B72341
Strange Tales	#118	1	12/9/1963	MCI	B79628
Strange Tales	#119	1	1/10/1964	MCI	B86103
Strange Tales	#120	1	2/11/1964	MCI	B93261
Strange Tales	#121	1	3/10/1964	MCI	B96828
Strange Tales	#122	1	4/9/1964	MCI	B102931
Strange Tales	#123	1	5/12/1964	MCI	B112132
Strange Tales	#124	1	6/9/1964	MCI	B127512
Strange Tales	#125	1	7/9/1964	MCI	B121798
Strange Tales	#126	1	8/11/1964	MCI	B129014
Strange Tales	#127	1	9/8/1964	MCI	B136445
Strange Tales	#128	1	10/8/1964	MCI	B140634
Strange Tales	#129	1	11/10/1964	MCI	B147181
Strange Tales	#130	1	12/10/1964	MCI	B157772
Strange Tales	#131	1	1/12/1965	MCI	B162016
Strange Tales	#132	1	2/11/1965	MCI	B167564
Strange Tales	#133	1	3/11/1965	MCI	B173315
Strange Tales	#134	1	4/8/1965	MCI	B179809
Strange Tales	#135	1	5/4/1965	MCI	B190436

Publication Title	Issue No.	Vol. No.	First Publication Date	© Owner	© Reg No.
Strange Tales	#136	1	6/8/1965	MCI	B196229
Strange Tales	#137	1	7/8/1965	MCI	B200686
Strange Tales	#138	1	8/10/1965	MCI	B208272
Strange Tales	#139	1	9/9/1965	MCI	B215981
Strange Tales	#140	1	10/12/1965	MCI	B229414
Strange Tales	#141	1	11/11/1965	MCI	B229431
Strange Tales	#142	1	12/9/1965	MCI	B238352
Strange Tales	#143	1	1/11/1966	MCI	B241519
Strange Tales	#144	1	2/10/1966	MCI	B248225
Strange Tales	#145	1	3/10/1966	MCI	B251650
Strange Tales	#146	1	4/12/1966	MCI	B257744
Strange Tales	#147	1	5/10/1966	MCI	B277438

# **EXHIBIT 2**

RECEIVED

JUN 02 2021

## NOTICE OF TERMINATION

"SPIDER-MAN"

ALAN BRAVERMAN

To: Marvel Entertainment, LLC  
 Marvel Worldwide, Inc.  
 Marvel Property, Inc.  
 Marvel Characters, Inc.  
 1290 Avenue of the Americas  
 New York, NY 10104  
 Attn: John Turitzin, Chief Counsel  
 Eli Bard, Deputy Chief Counsel

Marvel Studios, LLC  
 MVL Rights, LLC  
 MVL Development, LLC  
 Marvel Characters, Inc.  
 500 South Buena Vista Street  
 Burbank, CA 91521  
 Attn: David Galluzzi, Chief Counsel

The Walt Disney Company  
 500 South Buena Vista Street  
 Burbank, CA 91521  
 Attn: Alan Braverman, General Counsel

Marvel Animation Inc.  
 623 Circle Seven Drive  
 Glendale, CA 91201  
 Attn: Legal Department

PLEASE TAKE NOTICE that pursuant to Section 304(c) of the United States Copyright Act (17 U.S.C. § 304(c)) and the regulations issued thereunder by the Register of Copyrights, 37 C.F.R. § 201.10, Patrick S. Ditko, Administrator of the Estate of Stephen J. Ditko, being the person entitled to terminate copyright transfers pursuant to said statutory provisions, hereby terminates all pre-January 1, 1978 exclusive or non-exclusive grants of the transfer or license of the renewal copyright(s) in and to the illustrated comic book story published in "Amazing Fantasy Vol. 1, No. 15," authored or co-authored by Stephen J. Ditko (a.k.a. Steve Ditko), and sets forth in connection therewith the following:

1. The names and addresses of the grantees and/or successors in title whose rights are being terminated are as follows: Marvel Entertainment, LLC, Marvel Worldwide, Inc., Marvel Property, Inc., Marvel Characters, Inc., 1290 Avenue of the Americas, New York, NY 10104; Marvel Studios, LLC, MVL Rights, LLC, MVL Development, LLC, Marvel Characters, Inc., 500 South Buena Vista Street, Burbank, CA 91521; The Walt Disney Company, 500 South Buena

Vista Street, Burbank, CA 91521; and Marvel Animation Inc., 623 Circle Seven Drive, Glendale, CA 91201. Pursuant to 37 C.F.R. Section 201.10(d), service of this notice is being made by First Class Mail, postage pre-paid to the above grantees or successors at the addresses shown.

2. The copyrighted work (the “Work”) to which this Notice of Termination applies is the illustrated comic book story published and embodied in “*Amazing Fantasy* Vol. 1, No. 15,” which was authored or co-authored by Stephen J. Ditko (a.k.a. Steve Ditko),<sup>1</sup> and registered with the U.S. Copyright Office by Atlas Magazines, Inc. on June 5, 1962 under Copyright Registration No. B976775, renewed on November 20, 1990 under Copyright Renewal Registration No. RE0000497761, and includes all the characters, story elements, and/or indicia appearing therein.<sup>2</sup>

3. The grant and/or transfer to which this Notice of Termination applies is made in that certain copyright assignment(s) on the back of the check(s) issued by Marvel Entertainment, LLC’s predecessor company to Stephen J. Ditko with respect to the above-listed Work, which was

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<sup>1</sup> This Notice of Termination also applies to all material authored or co-authored by Stephen J. Ditko (in any and all medium(s), whenever created) that was reasonably associated with “*Amazing Fantasy* Vol. 1, No. 15,” and was registered with the United States Copyright Office and/or published within the termination time window, as defined by 17 U.S.C. § 304(c) and the effective date of this Notice of Termination. This Notice of Termination likewise includes or embodies any character, story element, or indicia reasonably associated with “*Amazing Fantasy* Vol. 1, No. 15,” including, without limitation, Spider-Man (a.k.a. Peter Parker), Bluebird (a.k.a. Sally Avril), Uncle Ben (Parker), The Burglar, Aunt May (Parker), Liz Allan, Raymond Warren, Bernard O’Brien, Seymour O’Reilly, Jessica Jones, Eric Schwinner, Crusher Hogan, Max Shiffman, Chet Huntley, Baxter Bigelow, and Flash Thompson. Every reasonable effort has been made to find and list herein all such material. Nevertheless, if any such material has been omitted, such omission is unintentional and involuntary, and this Notice also applies to each and every such omitted material.

<sup>2</sup> Pursuant to 37 C.F.R. § 201.10(b)(1)(iii), this Notice of Termination includes the name of at least one author of the Work to which this Notice of Termination applies. The listing herein of any corporation as copyright claimant is done per Copyright Office records, and is not to be construed as an admission that any given work is or was a “work made for hire,” nor is anything else herein to be construed as any such admission. Nothing contained in this Notice of Termination shall be construed to in any way limit or waive any right or remedy that Patrick S. Ditko, as Administrator of the Estate of Stephen J. Ditko, might have, at law or in equity, with respect to the subject matter hereof, all of which is hereby expressly reserved.

dated on or about the time of the respective publication of such Work.<sup>3</sup>

4. The effective date of termination shall be May 29, 2023.

5. Stephen J. Ditko died on June 29, 2018, with no surviving spouse, children or grandchildren. As such, Patrick S. Ditko, as Administrator of the Estate of Stephen J. Ditko, owns the termination interest of Stephen J. Ditko pursuant to 17 U.S.C. § 304(c)(2)(D), and is the person entitled to exercise the termination right as to the grant(s) identified herein. This Notice has been signed by all persons needed to terminate said grant(s) under 17 U.S.C. § 304(c).

Dated: May 28, 2021

TOBEROFF & ASSOCIATES, P.C.



Marc Toberoff

23823 Malibu Road, Suite 50-363

Malibu, California 90265

Tel: (310) 246-3333

As counsel for and on behalf of Patrick S. Ditko,  
Administrator of the Estate of Stephen J. Ditko

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<sup>3</sup> This Notice of Termination also applies to each and every grant or alleged grant by Stephen J. Ditko of rights under copyright in and to the Work that falls within the applicable termination time window (defined by 17 U.S.C. § 304(c) and the effective date of this Notice of Termination). Every reasonable effort has been made to find and list herein every such grant and/or transfer. Nevertheless, if any such grant and/or transfer has been omitted, such omission is unintentional and involuntary, and this Notice of Termination applies as well to each and every such omitted grant and/or transfer.

## CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the foregoing document described as NOTICE OF TERMINATION to be served this 28<sup>th</sup> day of May, 2021, by First Class Mail, postage prepaid, upon each of the following:

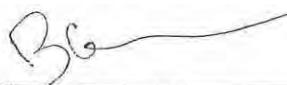
Marvel Entertainment, LLC  
Marvel Worldwide, Inc.  
Marvel Property, Inc.  
Marvel Characters, Inc.  
1290 Avenue of the Americas  
New York, NY 10104  
Attn: John Turitzin, Chief Counsel  
Eli Bard, Deputy Chief Counsel

The Walt Disney Company  
500 South Buena Vista Street  
Burbank, CA 91521  
Attn: Alan Braverman, General Counsel

Marvel Studios, LLC  
MVL Rights, LLC  
MVL Development, LLC  
Marvel Characters, Inc.  
500 South Buena Vista Street  
Burbank, CA 91521  
Attn: David Galluzzi, Chief Counsel

Marvel Animation Inc.  
623 Circle Seven Drive  
Glendale, CA 91201  
Attn: Legal Department

I declare under penalty of perjury that the foregoing is true and correct. Executed this 28<sup>th</sup> day of May, 2021, at Malibu, California.



---

Breck Kadaba  
Toberoff & Associates, P.C.  
23823 Malibu Road, Suite 50-363  
Malibu, California 90265

Counsel for Patrick S. Ditko,  
Administrator of the Estate of Stephen J. Ditko

# EXHIBIT 3

RECEIVED

JUN 05 2021

ALAN BRAVERMAN

## NOTICE OF TERMINATION

"SPIDER-MAN!"

To: Marvel Entertainment, LLC  
 Marvel Worldwide, Inc.  
 Marvel Property, Inc.  
 Marvel Characters, Inc.  
 1290 Avenue of the Americas  
 New York, NY 10104  
 Attn: John Turitzin, Chief Counsel  
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 Burbank, CA 91521  
 Attn: David Galluzzi, Chief Counsel

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Marvel Animation Inc.  
 623 Circle Seven Drive  
 Glendale, CA 91201  
 Attn: Legal Department

PLEASE TAKE NOTICE that pursuant to Section 304(c) of the United States Copyright Act (17 U.S.C. § 304(c)) and the regulations issued thereunder by the Register of Copyrights, 37 C.F.R. § 201.10, Patrick S. Ditko, Administrator of the Estate of Stephen J. Ditko, being the person entitled to terminate copyright transfers pursuant to said statutory provisions, hereby terminates all pre-January 1, 1978 exclusive or non-exclusive grants of the transfer or license of the renewal copyright(s) in and to the illustrated comic book story entitled "Spider-Man!," which was authored or co-authored by Stephen J. Ditko (a.k.a. Steve Ditko) and published in *Amazing Fantasy* Vol. 1, No. 15, and sets forth in connection therewith the following:

1. The names and addresses of the grantees and/or successors in title whose rights are being terminated are as follows: Marvel Entertainment, LLC, Marvel Worldwide, Inc., Marvel Property, Inc., Marvel Characters, Inc., 1290 Avenue of the Americas, New York, NY 10104; Marvel Studios, LLC, MVL Rights, LLC, MVL Development, LLC, Marvel Characters, Inc., 500 South Buena Vista Street, Burbank, CA 91521; The Walt Disney Company, 500 South Buena

Vista Street, Burbank, CA 91521; and Marvel Animation Inc., 623 Circle Seven Drive, Glendale, CA 91201. Pursuant to 37 C.F.R. Section 201.10(d), service of this notice is being made by First Class Mail, postage pre-paid to the above grantees or successors at the addresses shown.

2. The copyrighted work (the “Work”) to which this Notice of Termination applies is the illustrated two-part comic book story entitled “Spider-Man!,” authored or co-authored by Stephen J. Ditko (a.k.a. Steve Ditko)<sup>1</sup> and published and embodied in *Amazing Fantasy* Vol. 1, No. 15, (and includes this issue’s cover page), which issue was registered with the U.S. Copyright Office by Atlas Magazines, Inc. on June 5, 1962 under Copyright Registration No. B976775, renewed on November 20, 1990 under Copyright Renewal Registration No. RE0000497761, and includes all the characters, story elements, and/or indicia appearing therein.<sup>2</sup>

3. The grant and/or transfer to which this Notice of Termination applies is made in that certain copyright assignment(s) on the back of the check(s) issued by Marvel Entertainment, LLC’s predecessor company to Stephen J. Ditko with respect to the above-listed Work, which was

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<sup>1</sup> This Notice of Termination also applies to all material authored or co-authored by Stephen J. Ditko (in any and all medium(s), whenever created) that was reasonably associated with the Work and was registered with the United States Copyright Office and/or published within the termination time window, as defined by 17 U.S.C. § 304(c) and the effective date of this Notice of Termination. This Notice of Termination likewise includes any character, story element, or indicia reasonably associated with the Work, including, without limitation, Spider-Man (a.k.a. Peter Parker), Bluebird (a.k.a. Sally Avril), Uncle Ben (Parker), The Burglar, Aunt May (Parker), Liz Allan, Raymond Warren, Bernard O’Brien, Seymour O’Reilly, Jessica Jones, Eric Schwimmer, Crusher Hogan, Max Shiffman, Chet Huntley, Baxter Bigelow, and Flash Thompson. Every reasonable effort has been made to find and list herein all such material. Nevertheless, if any such material has been omitted, such omission is unintentional and involuntary, and this Notice also applies to each and every such omitted material.

<sup>2</sup> Pursuant to 37 C.F.R. § 201.10(b)(1)(iii), this Notice of Termination includes the name of at least one author of the Work to which this Notice of Termination applies. The listing herein of any corporation as copyright claimant is done per Copyright Office records, and is not to be construed as an admission that any given work is or was a “work made for hire,” nor is anything else herein to be construed as any such admission. Nothing contained in this Notice of Termination shall be construed to in any way limit or waive any right or remedy that Patrick S. Ditko, as Administrator of the Estate of Stephen J. Ditko, might have, at law or in equity, with respect to the subject matter hereof, all of which is hereby expressly reserved.

dated on or about the time of the respective publication of such Work.<sup>3</sup>

4. The effective date of termination shall be June 2, 2023.

5. Stephen J. Ditko died on June 29, 2018, with no surviving spouse, children or grandchildren. As such, Patrick S. Ditko, as Administrator of the Estate of Stephen J. Ditko, owns the termination interest of Stephen J. Ditko pursuant to 17 U.S.C. § 304(c)(2)(D), and is the person entitled to exercise the termination right as to the grant(s) identified herein. This Notice has been signed by all persons needed to terminate said grant(s) under 17 U.S.C. § 304(c).

Dated: June 1, 2021

TOBEROFF & ASSOCIATES, P.C.

  
\_\_\_\_\_  
Marc Toberoff

23823 Malibu Road, Suite 50-363  
Malibu, California 90265  
Tel: (310) 246-3333

As counsel for and on behalf of Patrick S. Ditko,  
Administrator of the Estate of Stephen J. Ditko

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<sup>3</sup> This Notice of Termination also applies to each and every grant or alleged grant by Stephen J. Ditko of rights under copyright in and to the Work that falls within the applicable termination time window (defined by 17 U.S.C. § 304(c) and the effective date of this Notice of Termination). Every reasonable effort has been made to find and list herein every such grant and/or transfer. Nevertheless, if any such grant and/or transfer has been omitted, such omission is unintentional and involuntary, and this Notice of Termination applies as well to each and every such omitted grant and/or transfer.

## CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the foregoing document described as NOTICE OF TERMINATION to be served this 1<sup>st</sup> day of June, 2021, by First Class Mail, postage prepaid, upon each of the following:

Marvel Entertainment, LLC  
Marvel Worldwide, Inc.  
Marvel Property, Inc.  
Marvel Characters, Inc.  
1290 Avenue of the Americas  
New York, NY 10104  
Attn: John Turitzin, Chief Counsel  
Eli Bard, Deputy Chief Counsel

The Walt Disney Company  
500 South Buena Vista Street  
Burbank, CA 91521  
Attn: Alan Braverman, General Counsel

Marvel Studios, LLC  
MVL Rights, LLC  
MVL Development, LLC  
Marvel Characters, Inc.  
500 South Buena Vista Street  
Burbank, CA 91521  
Attn: David Galluzzi, Chief Counsel

Marvel Animation Inc.  
623 Circle Seven Drive  
Glendale, CA 91201  
Attn: Legal Department

I declare under penalty of perjury that the foregoing is true and correct. Executed this 1<sup>st</sup> day of June, 2021, at Malibu, California.



Breck Kadaba  
Toberoff & Associates, P.C.  
23823 Malibu Road, Suite 50-363  
Malibu, California 90265

Counsel for Patrick S. Ditko,  
Administrator of the Estate of Stephen J. Ditko

# EXHIBIT 4

JUN 15 2021

ALAN BRAVERMAN

**NOTICE OF TERMINATION**  
**“DOCTOR STRANGE”**

To: Marvel Entertainment, LLC Marvel Worldwide, Inc. Marvel Property, Inc. Marvel Characters, Inc. 1290 Avenue of the Americas New York, NY 10104 Attn: John Turitzin, Chief Counsel Eli Bard, Deputy Chief Counsel	Marvel Studios, LLC MVL Rights, LLC MVL Development, LLC Marvel Characters, Inc. 500 South Buena Vista Street Burbank, CA 91521 Attn: David Galluzzi, Chief Counsel
The Walt Disney Company 500 South Buena Vista Street Burbank, CA 91521 Attn: Alan Braverman, General Counsel	Marvel Animation Inc. 623 Circle Seven Drive Glendale, CA 91201 Attn: Legal Department

PLEASE TAKE NOTICE that pursuant to Section 304(c) of the United States Copyright Act (17 U.S.C. § 304(c)) and the regulations issued thereunder by the Register of Copyrights, 37 C.F.R. § 201.10, Patrick S. Ditko, Administrator of the Estate of Stephen J. Ditko, being the person entitled to terminate copyright transfers pursuant to said statutory provisions, hereby terminates all pre-January 1, 1978 exclusive or non-exclusive grants of the transfer or license of the renewal copyright(s) in and to the five-page, penciled story (with a page/panel script), authored by Stephen J. Ditko, and the illustrated comic book story based thereon entitled “Doctor Strange Master of Black Magic!,” authored or co-authored by Stephen J. Ditko (a.k.a. Steve Ditko), and published in *Strange Tales* Vol. 1, No. 110, and sets forth in connection therewith the following:

1. The names and addresses of the grantees and/or successors in title whose rights are being terminated are as follows: Marvel Entertainment, LLC, Marvel Worldwide, Inc., Marvel Property, Inc., Marvel Characters, Inc., 1290 Avenue of the Americas, New York, NY 10104; Marvel Studios, LLC, MVL Rights, LLC, MVL Development, LLC, Marvel Characters, Inc., 500

South Buena Vista Street, Burbank, CA 91521; The Walt Disney Company, 500 South Buena Vista Street, Burbank, CA 91521; and Marvel Animation Inc., 623 Circle Seven Drive, Glendale, CA 91201. Pursuant to 37 C.F.R. § 201.10(d), service of this notice is being made by First Class Mail, postage pre-paid to the above grantees or successors at the addresses shown.

2. The copyrighted work(s) (the “Work(s)”) to which this Notice of Termination applies are the five-page, penciled story (with a page/panel script), authored by Stephen J. Ditko, and the illustrated comic book story based thereon entitled “Doctor Strange Master of Black Magic!,” which was authored or co-authored by Stephen J. Ditko (a.k.a. Steve Ditko),<sup>1</sup> and the Work(s) include all of the characters, story elements, and/or indicia appearing therein.<sup>2</sup> The Work(s) were published and embodied in *Strange Tales* Vol. 1, No. 110, which was registered with the U.S. Copyright Office by Vista Publications, Inc. on April 9, 1963, under Copyright Registration No. B34036, and renewed on December 27, 1991, under Copyright Renewal Registration No. RE0000559192.

3. The grant(s) and/or transfer(s) to which this Notice of Termination applies is (are) made in that/those certain copyright assignment(s) on the back of the check(s) issued by Marvel

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<sup>1</sup> This Notice of Termination also applies to all material authored or co-authored by Stephen J. Ditko (in any and all medium(s), whenever created) that was reasonably associated with the Work(s) and was registered with the United States Copyright Office and/or published within the termination time window, as defined by 17 U.S.C. § 304(c), and the effective date of this Notice of Termination. This Notice of Termination likewise includes any character, story element, or indicia reasonably associated with the Work(s) including, without limitation, Doctor Strange (a.k.a. Stephen Strange), Wong, the Ancient One (a.k.a. the Master, a.k.a. Yao), Nightmare, Crang and Dreamstalker. Every reasonable effort has been made to find and list herein all such material. Nevertheless, if any such material has been omitted, such omission is unintentional and involuntary, and this Notice also applies to each and every such omitted material.

<sup>2</sup> Pursuant to 37 C.F.R. § 201.10(b)(1)(iii), this Notice of Termination includes the name of at least one author of the Work(s) to which this Notice of Termination applies. The listing herein of any corporation as copyright claimant is done per Copyright Office records, and is not to be construed as an admission that any given work is or was a “work made for hire,” nor is anything else herein to be construed as any such admission. Nothing contained in this Notice of Termination shall be construed to in any way limit or waive any right or remedy that Patrick S. Ditko, as Administrator of the Estate of Stephen J. Ditko, may have, at law or in equity, with respect to the subject matter hereof, all of which is hereby expressly reserved.

Entertainment, LLC's predecessor company to Stephen J. Ditko, regarding the above-listed Work(s), which was (were) dated on or about the time of the publication of such Work(s).<sup>3</sup>

4. The effective date of termination shall be June 9, 2023.

5. Stephen J. Ditko died on June 29, 2018, with no surviving spouse, children or grandchildren. Patrick S. Ditko, as Administrator of the Estate of Stephen J. Ditko, owns the termination interest of Stephen J. Ditko pursuant to 17 U.S.C. § 304(c)(2)(D), and is the person entitled to exercise the termination right as to the grant(s) identified herein. This Notice has been signed by all persons needed to terminate said grant(s) under 17 U.S.C. § 304(c).

Dated: June 8, 2021

TOBEROFF & ASSOCIATES, P.C.



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Marc Toberoff

23823 Malibu Road, Suite 50-363  
Malibu, California 90265  
Tel: (310) 246-3333

As counsel for and on behalf of Patrick S. Ditko,  
Administrator of the Estate of Stephen J. Ditko

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<sup>3</sup> This Notice of Termination also applies to each and every grant or alleged grant by Stephen J. Ditko of rights under copyright in and to the Work(s) that falls within the applicable termination time window (defined by 17 U.S.C. § 304(c) and the effective date of this Notice of Termination). Every reasonable effort has been made to find and list herein every such grant and/or transfer. Nevertheless, if any such grant and/or transfer has been omitted, such omission is unintentional and involuntary, and this Notice of Termination applies as well to each and every such omitted grant and/or transfer.

# **EXHIBIT 5**

RECEIVED

JUL 20 2021

ALAN BRAVERMAN

## NOTICE OF TERMINATION

"DOCTOR STRANGE"

To: Marvel Entertainment, LLC  
 Marvel Worldwide, Inc.  
 Marvel Property, Inc.  
 Marvel Characters, Inc.  
 1290 Avenue of the Americas  
 New York, NY 10104  
 Attn: John Turitzin, Chief Counsel  
 Eli Bard, Deputy Chief Counsel

Marvel Studios, LLC  
 MVL Rights, LLC  
 MVL Development, LLC  
 Marvel Characters, Inc.  
 500 South Buena Vista Street  
 Burbank, CA 91521  
 Attn: David Galluzzi, Chief Counsel

The Walt Disney Company  
 500 South Buena Vista Street  
 Burbank, CA 91521  
 Attn: Alan Braverman, General Counsel

Marvel Animation Inc.  
 623 Circle Seven Drive  
 Glendale, CA 91201  
 Attn: Legal Department

PLEASE TAKE NOTICE that pursuant to Section 304(c) of the United States Copyright Act (17 U.S.C. § 304(c)) and the regulations issued thereunder by the Register of Copyrights, 37 C.F.R. § 201.10, Patrick S. Ditko, Administrator of the Estate of author Stephen J. Ditko, being the person entitled to terminate copyright transfers by the author pursuant to said statutory provisions, hereby terminates all pre-January 1, 1978 exclusive or non-exclusive grants of the transfer or license of the renewal copyright(s) in and to the illustrated comic book stories, many of which feature the character Doctor Strange (a.k.a. Dr. Stephen Strange), authored or co-authored by Stephen J. Ditko (a.k.a. Steve Ditko), and published in the STRANGE TALES comic book issues, all as set forth below:

1. The names and addresses of the grantees and/or successors in title whose rights are being terminated are as follows: Marvel Entertainment, LLC, Marvel Worldwide, Inc., Marvel Property, Inc., Marvel Characters, Inc., 1290 Avenue of the Americas, New York, NY 10104; Marvel Studios, LLC, MVL Rights, LLC, MVL Development, LLC, Marvel Characters, Inc., 500

South Buena Vista Street, Burbank, CA 91521; The Walt Disney Company, 500 South Buena Vista Street, Burbank, CA 91521; and Marvel Animation Inc., 623 Circle Seven Drive, Glendale, CA 91201. Pursuant to 37 C.F.R. Section 201.10(d), service of this Notice is being made by First Class Mail, postage pre-paid to the above grantees or successors at the addresses shown.

2. The copyrighted work(s) to which this Notice of Termination applies (individually, "Work"; collectively, the "Works") are the illustrated comic book stor(ies), many of which feature the character Doctor Strange (a.k.a. Dr. Stephen Strange), authored or co-authored by Stephen J. Ditko (a.k.a. Steve Ditko)<sup>1</sup> along with all the characters, story elements, and/or indicia appearing therein, which stories were published and embodied in the comic book issues identified as follows:

<u>Title</u>	<u>Copyright Claimant<sup>2</sup></u>	<u>Date Copyright Secured</u>	<u>Copyright Reg. No.</u>
<i>Strange Tales</i> Vol. 1, No. 102	Vista Publications, Inc.	8/9/1962	B988507
<i>Strange Tales</i> Vol. 1, No. 103	Vista Publications, Inc.	9/11/1962	B992202
<i>Strange Tales</i> Vol. 1, No. 104	Vista Publications, Inc.	10/9/1962	B999792

<sup>1</sup> This Notice of Termination also applies to all material authored or co-authored by Stephen J. Ditko (in any and all medium(s), whenever created) that was reasonably associated with these Works and was registered with the United States Copyright Office and/or published within the termination time window, as defined by 17 U.S.C. § 304(c) and the effective date of this Notice of Termination. This Notice of Termination likewise includes any character, story element, or indicia reasonably associated with these Works, including, without limitation, Zakkim, Doctor Strange (a.k.a. Dr. Stephen Strange), Ancient One (a.k.a. Yao), Baron Mordo (a.k.a. Karl Mordo), Hamir, Karl King, Harry Hook, Victoria Bentley, Sir Clive Bentley, Wong, Nightmare, Dreamstalker, Spinybeast, Aggamon, Bill Brinkly, Allan Stevens, Gulgol, Thor, Loki, Odin, Zota of Pergamum, Hamir the Hermit, Baron Mordo's Minions, Clea, G'uranthic Guardian, Dormammu, Orini, Demonicus, Tiboro, Sen-Yu, Kaecilius, Nazaka, Shazana, Ubbu, Sir Anthony Baskerville, Aged Genghis, The Demon of the Mask, Rama Kaliph, Abu Ben Hakim, Eternity, the Mindless Ones, Adria (a.k.a. The Witch), Tazza, Asti the All-Seeing, Mister Rasputin (a.k.a. Pavel Plotnick), Kaluu, and Hiram Barney. Every reasonable effort has been made to find and list herein all such material. Nevertheless, if any such material has been omitted, such omission is unintentional and involuntary, and this Notice also applies to each and every such omitted material.

<sup>2</sup> Pursuant to 37 C.F.R. § 201.10(b)(1)(iii), this Notice of Termination includes the name of at least one author of each Work to which this Notice of Termination applies. The listing herein of any corporation as copyright claimant is done per Copyright Office records, and is not to be construed as an admission that any given work is or was a "work made for hire," nor is anything else herein to be construed as any such admission. Nothing contained in this Notice of Termination shall be construed to in any way limit or waive any right or remedy that Patrick S. Ditko, as Administrator of the Estate of Stephen J. Ditko, may have, at law or in equity, with respect to the subject matter hereof, all of which is hereby expressly reserved.

<i>Strange Tales</i> Vol. 1, No. 105	Vista Publications, Inc.	11/8/1962	B6037
<i>Strange Tales</i> Vol. 1, No. 106	Vista Publications, Inc.	12/10/1962	B12120
<i>Strange Tales</i> Vol. 1, No. 107	Vista Publications, Inc.	1/10/1963	B17484
<i>Strange Tales</i> Vol. 1, No. 108	Vista Publications, Inc.	2/12/1963	B22022
<i>Strange Tales</i> Vol. 1, No. 109	Vista Publications, Inc.	3/12/1963	B28143
<i>Strange Tales</i> Vol. 1, No. 111	Vista Publications, Inc.	5/9/1963	B38264
<i>Strange Tales</i> Vol. 1, No. 112	Vista Publications, Inc.	6/11/1963	B45565
<i>Strange Tales</i> Vol. 1, No. 113	Vista Publications, Inc.	7/9/1963	B51854
<i>Strange Tales</i> Vol. 1, No. 114	Vista Publications, Inc.	8/8/1963	B57888
<i>Strange Tales</i> Vol. 1, No. 115	Vista Publications, Inc.	9/10/1963	B66036
<i>Strange Tales</i> Vol. 1, No. 116	Vista Publications, Inc.	10/8/1963	B66782
<i>Strange Tales</i> Vol. 1, No. 117	Vista Publications, Inc.	11/12/1963	B72341
<i>Strange Tales</i> Vol. 1, No. 118	Vista Publications, Inc.	12/9/1963	B79628
<i>Strange Tales</i> Vol. 1, No. 119	Vista Publications, Inc.	1/10/1964	B86103
<i>Strange Tales</i> Vol. 1, No. 120	Vista Publications, Inc.	2/11/1964	B93261
<i>Strange Tales</i> Vol. 1, No. 121	Vista Publications, Inc.	3/10/1964	B96828
<i>Strange Tales</i> Vol. 1, No. 122	Vista Publications, Inc.	4/9/1964	B102931
<i>Strange Tales</i> Vol. 1, No. 123	Vista Publications, Inc.	5/12/1964	B112132
<i>Strange Tales</i> Vol. 1, No. 124	Vista Publications, Inc.	6/9/1964	B127512
<i>Strange Tales</i> Vol. 1, No. 125	Vista Publications, Inc.	7/9/1964	B121798
<i>Strange Tales</i> Vol. 1, No. 126	Vista Publications, Inc.	8/11/1964	B129014
<i>Strange Tales</i> Vol. 1, No. 127	Vista Publications, Inc.	9/8/1964	B136445
<i>Strange Tales</i> Vol. 1, No. 128	Vista Publications, Inc.	10/8/1964	B140634
<i>Strange Tales</i> Vol. 1, No. 129	Vista Publications, Inc.	11/10/1964	B147181
<i>Strange Tales</i> Vol. 1, No. 130	Vista Publications, Inc.	12/10/1964	B157772
<i>Strange Tales</i> Vol. 1, No. 131	Vista Publications, Inc.	1/12/1965	B162016
<i>Strange Tales</i> Vol. 1, No. 132	Vista Publications, Inc.	2/11/1965	B167564
<i>Strange Tales</i> Vol. 1, No. 133	Vista Publications, Inc.	3/11/1965	B173315
<i>Strange Tales</i> Vol. 1, No. 134	Vista Publications, Inc.	4/8/1965	B179809
<i>Strange Tales</i> Vol. 1, No. 135	Vista Publications, Inc.	5/4/1965	B190436
<i>Strange Tales</i> Vol. 1, No. 136	Vista Publications, Inc.	6/8/1965	B196229
<i>Strange Tales</i> Vol. 1, No. 137	Vista Publications, Inc.	7/8/1965	B200686
<i>Strange Tales</i> Vol. 1, No. 138	Vista Publications, Inc.	8/10/1965	B208272
<i>Strange Tales</i> Vol. 1, No. 139	Vista Publications, Inc.	9/9/1965	B215981
<i>Strange Tales</i> Vol. 1, No. 140	Vista Publications, Inc.	10/12/1965	B229414
<i>Strange Tales</i> Vol. 1, No. 141	Vista Publications, Inc.	11/11/1965	B229431
<i>Strange Tales</i> Vol. 1, No. 142	Vista Publications, Inc.	12/9/1965	B238352
<i>Strange Tales</i> Vol. 1, No. 143	Vista Publications, Inc.	1/11/1966	B241519
<i>Strange Tales</i> Vol. 1, No. 144	Vista Publications, Inc.	2/10/1966	B248225
<i>Strange Tales</i> Vol. 1, No. 145	Vista Publications, Inc.	3/10/1966	B251650
<i>Strange Tales</i> Vol. 1, No. 146	Vista Publications, Inc.	4/12/1966	B257744
<i>Strange Tales</i> Vol. 1, No. 147	Vista Publications, Inc.	5/10/1966	B277438

3. The express or implied grant(s) and/or transfer(s) to which this Notice of

Termination applies was (were) made in that (those) certain copyright assignment(s) on the back of the check(s) issued by Marvel Entertainment, LLC's ("Marvel") predecessor company(ies) to Stephen J. Ditko, with respect to the above-listed Works, which was (were) dated on or about the time of the respective publication of such Works, as well as any other grant(s) regarding the Works by Stephen J. Ditko to Marvel's predecessor(s).<sup>3</sup>

4. The effective date of termination for each respective Work shall be July 17, 2023.
5. Stephen J. Ditko died on June 29, 2018, with no surviving spouse, children or grandchildren. Patrick S. Ditko, as Administrator of the Estate of Stephen J. Ditko, owns the termination interest of Stephen J. Ditko pursuant to 17 U.S.C. § 304(c)(2)(D), and is the person entitled to exercise the termination right as to the grant(s) identified herein. This Notice has been signed by all persons needed to terminate said grant(s) under 17 U.S.C. § 304(c).

Dated: July 16, 2021

TOBEROFF & ASSOCIATES, P.C.



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Marc Toberoff

23823 Malibu Road, Suite 50-363  
Malibu, California 90265  
Tel: (310) 246-3333

As counsel for and on behalf of Patrick S. Ditko,  
Administrator of the Estate of Stephen J. Ditko

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<sup>3</sup> This Notice of Termination also applies to each and every grant or alleged grant by Stephen J. Ditko of rights under copyright in and to the Works that falls within the applicable termination time window (defined by 17 U.S.C. § 304(c) and the effective date of this Notice of Termination). Every reasonable effort has been made to find and list herein every such grant and/or transfer. Nevertheless, if any such grant and/or transfer has been omitted, such omission is unintentional and involuntary, and this Notice of Termination applies as well to each and every such omitted grant and/or transfer.

## CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the foregoing document described as NOTICE OF TERMINATION to be served this 16<sup>th</sup> day of July, 2021, by First Class Mail, postage prepaid, upon each of the following:

Marvel Entertainment, LLC  
Marvel Worldwide, Inc.  
Marvel Property, Inc.  
Marvel Characters, Inc.  
1290 Avenue of the Americas  
New York, NY 10104  
Attn: John Turitzin, Chief Counsel  
Eli Bard, Deputy Chief Counsel

The Walt Disney Company  
500 South Buena Vista Street  
Burbank, CA 91521  
Attn: Alan Braverman, General Counsel

Marvel Studios, LLC  
MVL Rights, LLC  
MVL Development, LLC  
Marvel Characters, Inc.  
500 South Buena Vista Street  
Burbank, CA 91521  
Attn: David Galluzzi, Chief Counsel

Marvel Animation Inc.  
623 Circle Seven Drive  
Glendale, CA 91201  
Attn: Legal Department

I declare under penalty of perjury that the foregoing is true and correct. Executed this 16<sup>th</sup> day of July, 2021, at Malibu, California.



Breck Kadaba  
Toberoff & Associates, P.C.  
23823 Malibu Road, Suite 50-363  
Malibu, California 90265

Counsel for Patrick S. Ditko,  
Administrator of the Estate of Stephen J. Ditko

# EXHIBIT 6

RECEIVED

JUL 20 2021

## NOTICE OF TERMINATION

"SPIDER-MAN"

ALAN BRAVERMAN

To: Marvel Entertainment, LLC  
 Marvel Worldwide, Inc.  
 Marvel Property, Inc.  
 Marvel Characters, Inc.  
 1290 Avenue of the Americas  
 New York, NY 10104  
 Attn: John Turitzin, Chief Counsel  
 Eli Bard, Deputy Chief Counsel

The Walt Disney Company  
 500 South Buena Vista Street  
 Burbank, CA 91521  
 Attn: Alan Braverman, General Counsel

Marvel Studios, LLC  
 MVL Rights, LLC  
 MVL Development, LLC  
 Marvel Characters, Inc.  
 500 South Buena Vista Street  
 Burbank, CA 91521  
 Attn: David Galluzzi, Chief Counsel

Marvel Animation Inc.  
 623 Circle Seven Drive  
 Glendale, CA 91201  
 Attn: Legal Department

PLEASE TAKE NOTICE that pursuant to Section 304(c) of the United States Copyright Act (17 U.S.C. § 304(c)) and the regulations issued thereunder by the Register of Copyrights, 37 C.F.R. § 201.10, Patrick S. Ditko, Administrator of the Estate of author Stephen J. Ditko, being the person entitled to terminate copyright transfers by the author pursuant to said statutory provisions, hereby terminates all pre-January 1, 1978 exclusive or non-exclusive grants of the transfer or license of the renewal copyright(s) in and to the illustrated comic book stories, featuring the character Spider-Man (a.k.a. Peter Parker), authored or co-authored by Stephen J. Ditko (a.k.a. Steve Ditko), and published in the respective comic book issues listed in paragraph 2 of this Notice, all as set forth below:

1. The names and addresses of the grantees and/or successors in title whose rights are being terminated are as follows: Marvel Entertainment, LLC, Marvel Worldwide, Inc., Marvel Property, Inc., Marvel Characters, Inc., 1290 Avenue of the Americas, New York, NY 10104; Marvel Studios, LLC, MVL Rights, LLC, MVL Development, LLC, Marvel Characters, Inc., 500

South Buena Vista Street, Burbank, CA 91521; The Walt Disney Company, 500 South Buena Vista Street, Burbank, CA 91521; and Marvel Animation Inc., 623 Circle Seven Drive, Glendale, CA 91201. Pursuant to 37 C.F.R. Section 201.10(d), service of this Notice is being made by First Class Mail, postage pre-paid to the above grantees or successors at the addresses shown.

2. The copyrighted work(s) to which this Notice of Termination applies (individually, "Work"; collectively, the "Works") are the illustrated comic book stor(ies), featuring the character Spider-Man (a.k.a. Peter Parker), authored or co-authored by Stephen J. Ditko (a.k.a. Steve Ditko)<sup>1</sup> along with all the characters, story elements, and/or indicia appearing therein, which stories were published and embodied in the comic book issues identified as follows:

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<sup>1</sup> This Notice of Termination also applies to all material authored or co-authored by Stephen J. Ditko (in any and all medium(s), whenever created) that was reasonably associated with these Works and was registered with the United States Copyright Office and/or published within the termination time window, as defined by 17 U.S.C. § 304(c) and the effective date of this Notice of Termination. This Notice of Termination likewise includes any character, story element, or indicia reasonably associated with these Works, including, without limitation, Spider-Man (a.k.a. Peter Parker), Aunt May (Parker, née Reilly), J. Jonah Jameson, The Burglar, John Jameson, Maxie Shiffman, Liz Allan, Sally Avril, Vulture (a.k.a. Adrian Toomes), Eleonore Brant, Flash Thompson (a.k.a. Eugene Thompson, Raymond Warren, Human Torch (a.k.a. Johnny Storm), Doctor Octopus (a.k.a. Otto Octavius), Charles Buchanan, Betty Brant, Sandman (a.k.a. William Baker), Principal Davis, Seymour O'Reilly, Jessica Jones, Doctor Doom (a.k.a. Victor von Doom), Mister Fantastic (a.k.a. Reed Richards), Invisible Girl (a.k.a. Sue Storm), Thing (a.k.a. Ben Grimm), Martha Connors, Billy Connors, The Lizard (a.k.a. Curt Connors), The Living Brain, Charlie Murphy, Dr. Nicholas Bromwell, Electro (a.k.a. Maxwell Dillon), Big Man (a.k.a. Frederick Foswell), Montana (a.k.a. Jackson Brice), Fancy Dan (a.k.a. Daniel Brito), Ox (a.k.a. Raymond Bloch), Blackie Gaxton, Bennett Brant, Mysterio (a.k.a. Quentin Beck), Green Goblin (a.k.a. Norman Osborn), Hulk (a.k.a. Bruce Banner), B.J. Kosmojian, Kraven the Hunter (a.k.a. Sergei Kravinoff), Chameleon (a.k.a. Dmitri Smerdyakov), Anna May Watson, Daredevil (a.k.a. Matt Murdock), Foggy Nelson, Karen Page, Ringmaster, Human Cannonball, the Great Gambonnos, Eliot Franklin (Clown), Bruto the Strongman, Dorrie Evans, Wilson Allan, Ned Leeds, Rocky Roberts, Iron Man (a.k.a. Tony Stark), Captain America (a.k.a. Steve Rogers), Thor, Giant-Man (a.k.a. Hank Pym), Wasp (a.k.a. Janet Van Dyne), Richard Wormly, Scorpion (a.k.a. Mac Gargan), Doctor Farley Stillwell, Beetle (a.k.a. Abner Jenkins), Princess Python (a.k.a. Zelda DuBois), Precious, Lucky Lobo (a.k.a. Francisco Lobo), Spencer Smythe, Spider Slayer (Mark I), Crime Master (a.k.a. Nicholas Lewis, Sr.), Barney Bushkin, Molten Man (a.k.a. Mark Raxton), Cat Burglar, Gwen Stacy, Harry Osborn, Foxy Briggs, Dean Corliss, Prof. Miles Warren, Looter (a.k.a. Norman Fester), Sally Green, Mendel Stromm, Max Young, Joe Smith, Tommy Tomkins, Mary Jane Watson, The Fox (a.k.a. Reynard Slinker), Angel, Beast, Cyclops, Thor, Doctor Strange (a.k.a. Dr. Stephen Strange), Iceman, Professor Charles Xavier, and Xandu. Every reasonable effort has been made to find and list herein all such material. Nevertheless, if any such material has been omitted, such omission is unintentional and involuntary, and this Notice also applies to each and every such omitted material.

<u>Title</u>	<u>Copyright Claimant<sup>2</sup></u>	<u>Date Copyright Secured</u>	<u>Copyright Reg. No.</u>
<i>Amazing Spider-Man</i> Vol. 1, No. 1	Non-Pareil Publishing Corporation	12/10/1962	B12112
<i>Amazing Spider-Man</i> Vol. 1, No. 2	Non-Pareil Publishing Corporation	2/12/1963	B22020
<i>Amazing Spider-Man</i> Vol. 1, No. 3	Non-Pareil Publishing Corporation	4/9/1963	B32700
<i>Amazing Spider-Man</i> Vol. 1, No. 4	Non-Pareil Publishing Corporation	6/11/1963	B45564
<i>Amazing Spider-Man</i> Vol. 1, No. 5	Non-Pareil Publishing Corporation	7/9/1963	B50165
<i>Amazing Spider-Man</i> Vol. 1, No. 6	Non-Pareil Publishing Corporation	8/8/1963	B57887
<i>Amazing Spider-Man</i> Vol. 1, No. 7	Non-Pareil Publishing Corporation	9/10/1963	B63121
<i>Amazing Spider-Man</i> Vol. 1, No. 8	Non-Pareil Publishing Corporation	10/8/1963	B72284
<i>Amazing Spider-Man</i> Vol. 1, No. 9	Non-Pareil Publishing Corporation	11/12/1963	B72337
<i>Amazing Spider-Man</i> Vol. 1, No. 10	Non-Pareil Publishing Corporation	12/9/1963	B79629
<i>Amazing Spider-Man</i> Vol. 1, No. 11	Non-Pareil Publishing Corporation	1/10/1964	B86108
<i>Amazing Spider-Man</i> Vol. 1, No. 12	Non-Pareil Publishing Corporation	2/11/1964	B93262
<i>Amazing Spider-Man</i> Vol. 1, No. 13	Non-Pareil Publishing Corporation	3/10/1964	B96821
<i>Amazing Spider-Man</i> Vol. 1, No. 14	Non-Pareil Publishing Corporation	4/9/1964	B102930
<i>Amazing Spider-Man</i> Vol. 1, No. 15	Non-Pareil Publishing Corporation	5/12/1964	B112138
<i>Amazing Spider-Man</i> Vol. 1, No. 16	Non-Pareil Publishing Corporation	6/9/1964	B127533
<i>Amazing Spider-Man</i> Vol. 1, No. 17	Non-Pareil Publishing Corporation	7/9/1964	B121808
<i>Amazing Spider-Man</i> Vol. 1, No. 18	Non-Pareil Publishing	8/11/1964	B129017

<sup>2</sup> Pursuant to 37 C.F.R. § 201.10(b)(1)(iii), this Notice of Termination includes the name of at least one author of each Work to which this Notice of Termination applies. The listing herein of any corporation as copyright claimant is done per Copyright Office records, and is not to be construed as an admission that any given work is or was a “work made for hire,” nor is anything else herein to be construed as any such admission. Nothing contained in this Notice of Termination shall be construed to in any way limit or waive any right or remedy that Patrick S. Ditko, as Administrator of the Estate of Stephen J. Ditko, may have, at law or in equity, with respect to the subject matter hereof, all of which is hereby expressly reserved.

	Corporation		
<i>Amazing Spider-Man</i> Vol. 1, No. 19	Non-Pareil Publishing Corporation	9/8/1964	B136435
<i>Amazing Spider-Man</i> Vol. 1, No. 20	Non-Pareil Publishing Corporation	10/8/1964	B140632
<i>Amazing Spider-Man</i> Vol. 1, No. 21	Non-Pareil Publishing Corporation	11/10/1964	B147192
<i>Amazing Spider-Man</i> Vol. 1, No. 22	Non-Pareil Publishing Corporation	12/10/1964	B157768
<i>Amazing Spider-Man</i> Vol. 1, No. 23	Non-Pareil Publishing Corporation	1/12/1965	B162019
<i>Amazing Spider-Man</i> Vol. 1, No. 24	Non-Pareil Publishing Corporation	2/11/1965	B167575
<i>Amazing Spider-Man</i> Vol. 1, No. 25	Non-Pareil Publishing Corporation	3/11/1965	B173323
<i>Amazing Spider-Man</i> Vol. 1, No. 26	Non-Pareil Publishing Corporation	4/8/1965	B179808
<i>Amazing Spider-Man</i> Vol. 1, No. 27	Non-Pareil Publishing Corporation	5/11/1965	B190434
<i>Amazing Spider-Man</i> Vol. 1, No. 28	Non-Pareil Publishing Corporation	6/8/1965	B196230
<i>Amazing Spider-Man</i> Vol. 1, No. 29	Non-Pareil Publishing Corporation	7/8/1965	B200698
<i>Amazing Spider-Man</i> Vol. 1, No. 30	Non-Pareil Publishing Corporation	8/10/1965	B208267
<i>Amazing Spider-Man</i> Vol. 1, No. 31	Non-Pareil Publishing Corporation	9/9/1965	B215968
<i>Amazing Spider-Man</i> Vol. 1, No. 32	Non-Pareil Publishing Corporation	10/12/1965	B229417
<i>Amazing Spider-Man</i> Vol. 1, No. 33	Non-Pareil Publishing Corporation	11/11/1965	B229427
<i>Amazing Spider-Man</i> Vol. 1, No. 34	Non-Pareil Publishing Corporation	12/9/1965	B238351
<i>Amazing Spider-Man</i> Vol. 1, No. 35	Non-Pareil Publishing Corporation	1/11/1966	B241516
<i>Amazing Spider-Man</i> Vol. 1, No. 36	Non-Pareil Publishing Corporation	2/10/1966	B248224
<i>Amazing Spider-Man</i> Vol. 1, No. 37	Non-Pareil Publishing Corporation	3/10/1966	B251737
<i>Amazing Spider-Man</i> Vol. 1, No. 38	Non-Pareil Publishing Corporation	4/12/1966	B257745
<i>The Fantastic Four Annual</i> Vol. 1, No. 1	Canam Publishers Sales Corporation	7/2/1963	A645698
<i>Strange Tales Annual</i> Vol. 1, No. 2	Vista Publications, Inc.	6/11/1963	A640416
<i>Amazing Spider-Man Annual</i> Vol. 1, No. 1	Non-Pareil Publishing Corporation	6/11/1964	A713458

<i>Amazing Spider-Man Annual</i> Vol. 1, No. 2	Non-Pareil Publishing Corporation	6/1/1965	A772745
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3. The express or implied grant(s) and/or transfer(s) to which this Notice of Termination applies was (were) made in that (those) certain copyright assignment(s) on the back of the check(s) issued by Marvel Entertainment, LLC's ("Marvel") predecessor company(ies) to Stephen J. Ditko, with respect to the above-listed Works, which was (were) dated on or about the time of the respective publication of such Works, as well as any other grant(s) regarding the Works by Stephen J. Ditko to Marvel's predecessor(s).<sup>3</sup>

4. The effective date of termination for each respective Work shall be July 17, 2023.

5. Stephen J. Ditko died on June 29, 2018, with no surviving spouse, children or grandchildren. Patrick S. Ditko, as Administrator of the Estate of Stephen J. Ditko, owns the termination interest of Stephen J. Ditko pursuant to 17 U.S.C. § 304(c)(2)(D), and is the person entitled to exercise the termination right as to the grant(s) identified herein. This Notice has been signed by all persons needed to terminate said grant(s) under 17 U.S.C. § 304(c).

Dated: July 16, 2021

TOBEROFF & ASSOCIATES, P.C.




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Marc Toberoff

23823 Malibu Road, Suite 50-363  
Malibu, California 90265  
Tel: (310) 246-3333

As counsel for and on behalf of Patrick S. Ditko,  
Administrator of the Estate of Stephen J. Ditko

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<sup>3</sup> This Notice of Termination also applies to each and every grant or alleged grant by Stephen J. Ditko of rights under copyright in and to the Works that falls within the applicable termination time window (defined by 17 U.S.C. § 304(c) and the effective date of this Notice of Termination). Every reasonable effort has been made to find and list herein every such grant and/or transfer. Nevertheless, if any such grant and/or transfer has been omitted, such omission is unintentional and involuntary, and this Notice of Termination applies as well to each and every such omitted grant and/or transfer.

## CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the foregoing document described as NOTICE OF TERMINATION to be served this 16<sup>th</sup> day of July, 2021, by First Class Mail, postage prepaid, upon each of the following:

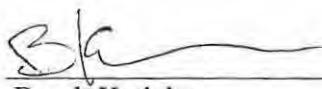
Marvel Entertainment, LLC  
Marvel Worldwide, Inc.  
Marvel Property, Inc.  
Marvel Characters, Inc.  
1290 Avenue of the Americas  
New York, NY 10104  
Attn: John Turitzin, Chief Counsel  
Eli Bard, Deputy Chief Counsel

The Walt Disney Company  
500 South Buena Vista Street  
Burbank, CA 91521  
Attn: Alan Braverman, General Counsel

Marvel Studios, LLC  
MVL Rights, LLC  
MVL Development, LLC  
Marvel Characters, Inc.  
500 South Buena Vista Street  
Burbank, CA 91521  
Attn: David Galluzzi, Chief Counsel

Marvel Animation Inc.  
623 Circle Seven Drive  
Glendale, CA 91201  
Attn: Legal Department

I declare under penalty of perjury that the foregoing is true and correct. Executed this 16<sup>th</sup> day of July, 2021, at Malibu, California.



Breck Kadaba  
Toberoff & Associates, P.C.  
23823 Malibu Road, Suite 50-363  
Malibu, California 90265

Counsel for Patrick S. Ditko,  
Administrator of the Estate of Stephen J. Ditko